

Suit: Detroit sergeant seen on video planting evidence

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(Photo: Southwest Metals)

Detroit — A recycler has sued the city and Detroit police in federal court, alleging he is being targeted in a scrap-metal crackdown after a sergeant was caught on surveillance camera planting evidence.

Dearborn resident Joseph Fawaz, whose family owns Southwest Metals, accused a sergeant on the city's Copper Theft Task Force of waging a years-long personal vendetta, bribing a witness and arresting employees. The task force member, Sgt. Rebecca McKay, allegedly was caught on the scrap metal shop's surveillance camera planting evidence during a raid, according to the lawsuit.

The federal court lawsuit filed Monday illustrates complications in the post-bankrupt city's attempt to clamp down on copper and metal thefts that trigger blight and fuel a black-market criminal racket.

Sgt. Rebecca McKay shown in surveillance camera video during inspection at Southwest Metals. Joseph Fawaz, whose family owns the company, accused the sergeant on the city's Copper Theft Task Force of waging a personal vendetta against to company. Southwest Metals

The city is picking on Southwest Metals and trying to revoke the company's business license because the company is Muslim-owned and one of the smallest in the city, lawyer Nabih Ayad told The News on Tuesday.

"He is the small sheep they are going after — the weak party to make an example out of," Ayad said. "Once the city takes their license away, they're dead."

Fawaz, who also is suing Mayor Mike Duggan and police Chief James Craig, wants an unspecified amount of money from the city and wants to block McKay from investigating Southwest Metals. Fawaz also wants a judge to suspend administrative proceedings that endanger his business license.

"We have carefully reviewed this complaint and have found no evidence of wrongdoing on the part of Sgt. McKay," Butch Hollowell, the city's top lawyer, said in a statement Tuesday. "The city is committed to protecting homes, businesses, schools and other public assets from metal theft. We will continue our efforts to make sure scrap yards across the city are operating lawfully. We look forward to vigorously defending this case in court."

Detroit police spokeswoman June West declined comment.

Fawaz says his problems with the city started in May 2013 after McKay joined Detroit's Copper Theft Task Force.

That's when a man was accused of selling wire to Southwest Metals allegedly stolen from DTE Energy.

Southwest Metals, which has locations on Fort Street in Detroit and in Dearborn, bought the man's wire before an industry-wide alert system notified scrap dealers that the wire was stolen. Fawaz cooperated with prosecutors, according to the lawsuit.

"He's helped the city in more than 20 prosecutions," Ayad said.

Despite Fawaz's cooperation, McKay allegedly started investigating the company and its employees, the lawsuit alleges.

The task force member was profiled by The New York Times earlier this month in [an article \(http://www.nytimes.com/2015/03/16/us/crackdown-in-a-detroit-stripped-of-metal-parts.html\)](http://www.nytimes.com/2015/03/16/us/crackdown-in-a-detroit-stripped-of-metal-parts.html) that also mentioned Southwest Metals.

Fawaz and two employees were arrested after Detroit police unlawfully obtained a warrant against the businessman, according to the lawsuit. Fawaz pleaded guilty to a misdemeanor.

The police department ticketed customers, blocked weigh scales at the business and towed cars, according to the lawsuit.

"Sgt. McKay has continually attempted to intimidate and bully Mr. Fawaz and Southwest Metals in an attempt to put Southwest Metals out of business," Ayad wrote in the lawsuit. "On one occasion, approximately 18 month ago, Sgt. McKay, while at Southwest Metals, gritted her teeth and cocked her fist as if to punch Mr. Fawaz ..."

One year ago, McKay obtained a warrant to search Southwest Metal's location in Dearborn, the lawsuit alleges. She was hunting for stolen copper and underground wire.

There was no probable cause, according to the lawsuit. During the search, McKay was seen on the company's surveillance camera and "appeared to plant evidence," Ayad claims in the court filing.

In the video, McKay walks into a storage room and finds nothing, according to the lawsuit.

Minutes later, she returns to the room "and looks both ways as if to see if anybody else is in the area," Ayad claims in the lawsuit.

"Sgt. McKay then immediately and quickly walks to the back corner of the room, a location she had already been," Ayad wrote. "She then squats in the corner and miraculously returns with a very small piece of wire."

McKay alleged that the wire was stolen, according to the lawsuit.

The scrap dealer also alleges McKay approached a former Southwest Metals employee and "essentially attempted to bribe him to unlawfully search Southwest Metals."

Fawaz says he complained to the police department's Internal Affairs Division, which is investigating McKay, according to the lawsuit.

After complaining to Internal Affairs, Fawaz says the city has filed 40 citations against Southwest Metals.

The city also has launched proceedings that could lead to Southwest Metals losing its business license, according to the lawsuit.

Fawaz says the citations appear to be retaliatory.

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